

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:55 p.m. adjourned, in memory of Seaman Edward James Kimble of Fort Stockton, who died April 19, 1989, aboard the battleship U.S.S. Iowa, until 11:00 a.m. tomorrow.

APPENDIX

Signed by Governor
(May 8, 1989)

H.C.R. 48

(May 9, 1989)

H.C.R. 42

H.C.R. 60

H.C.R. 67

H.C.R. 80

H.C.R. 94

H.C.R. 154

H.C.R. 155

H.C.R. 183

H.C.R. 193

H.C.R. 197

H.C.R. 214

H.B. 171 (Effective August 28, 1989)

H.B. 239 (Effective September 1, 1989)

H.B. 264 (Effective September 1, 1989)

H.B. 361 (Effective September 1, 1989)

H.B. 413 (Effective September 1, 1989)

H.B. 575 (Effective August 28, 1989)

H.B. 594 (Effective September 1, 1989)

H.B. 769 (Effective immediately)

H.B. 1035 (Effective immediately)

H.B. 1168 (Effective immediately)

H.B. 1271 (Effective August 28, 1989)

H.B. 1400 (Effective immediately)

H.B. 1417 (Effective September 1, 1989)

SIXTY-SECOND DAY

(Thursday, May 11, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by Senator Glasgow.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Humbly, our Father, we assemble this morning inspired by this great institution, the Texas Senate, and in awe of this magnificent structure, the State Capitol. And we acknowledge with pride and gratitude these who serve. Mindful that no two of them are of the same mold, we know their differences help to make a better compromise. Bless the leadership today and make this a day of achievement in the Senate. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Parker submitted the following report for the Committee on Education:

H.B. 1840
H.B. 2040
H.B. 1469
H.B. 606
S.B. 601
C.S.S.B. 1258

Senator Uribe, Vice-Chairman, submitted the following report for the Committee on Health and Human Services:

S.B. 1503

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

S.B. 1794
S.B. 1800
S.B. 1680
S.B. 1704
H.B. 25
H.B. 228
H.B. 216
H.B. 780
H.B. 781
H.B. 1189
H.B. 1190
H.B. 1191
H.B. 2306
H.B. 1852
S.B. 1571 (Amended)
H.B. 1991 (Amended)
C.S.S.B. 1611
C.S.S.B. 1212

Senator Montford submitted the following report for the Committee on State Affairs:

H.J.R. 6
H.B. 2058
H.B. 1752
H.B. 1094
H.B. 2162

H.B. 820
H.B. 1408
H.B. 2552
S.B. 1489
S.B. 1791
H.B. 248 (Amended)
S.B. 1813 (Amended)
C.S.H.B. 2020
C.S.S.B. 988
C.S.S.B. 944
C.S.S.B. 1306
C.S.S.B. 1309

Senator Harris submitted the following report for the Committee on Economic Development:

H.B. 1098
H.B. 200
H.B. 1561
S.B. 1814
C.S.H.B. 843
C.S.S.B. 420
C.S.S.B. 442
C.S.S.B. 1695
S.B. 218

Senator Glasgow submitted the following report for the Committee on Jurisprudence:

H.B. 1522
H.B. 841
H.B. 1439
S.B. 1752
S.B. 1804
S.B. 1113
S.J.R. 43 (Amended)
C.S.S.B. 1114
C.S.S.B. 136

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

S.B. 1741
S.B. 1779
H.B. 2225
H.B. 600
H.B. 1073
H.B. 1870
H.B. 1555
H.B. 959
C.S.H.B. 2626
C.S.S.B. 366

Senator McFarland submitted the following report for the Committee on Criminal Justice:

H.C.R. 108 (Amended)
H.B. 333
H.B. 1416
H.B. 568
H.B. 1992
H.B. 220

MESSAGE FROM THE HOUSE

House Chamber
May 11, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 141. Relating to the application of certain gambling offenses to ocean-going vessels.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Brooks and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 145 by Brooks Education
Requesting the Congress of the United States to continue the full funding of the National Sea Grant College Program.

S.C.R. 146 by Lyon Administration
Establishing a special interim committee to study the entire criminal justice system to determine the form of system necessary to efficiently carry out the goals of a criminal justice system.

S.B. 1829 by Dickson Intergovernmental Relations
Relating to the office of district attorney in Coleman County.

S.B. 1830 by Glasgow Jurisprudence
Relating to the establishment and enforcement of a child support obligation in cases brought under Part D of Title IV of the federal Social Security Act.

S.B. 1831 by Santiesteban Natural Resources
Relating to the issuance of certain permits by the Texas Water Commission.

S.B. 1832 by Brown, Brooks Criminal Justice
Relating to the creation of an offense of participating in a diabolic cult act; providing a penalty.

S.B. 1836 by Caperton, Dickson Finance
Relating to information services in state government.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 344, To Committee on State Affairs.
H.B. 427, To Committee on Criminal Justice.
H.B. 524, To Committee on Criminal Justice.
H.B. 715, To Committee on Education.
H.B. 832, To Committee on Criminal Justice.
H.B. 908, To Committee on Natural Resources.
H.B. 1031, To Committee on State Affairs.
H.B. 1118, To Committee on Health and Human Services.
H.B. 1147, To Committee on Finance.
H.B. 1272, To Committee on Economic Development.
H.B. 1329, To Committee on Natural Resources.
H.B. 1701, To Committee on Criminal Justice.
H.B. 2304, To Committee on Finance.
H.B. 2566, To Committee on Education.
H.B. 2644, To Committee on State Affairs.

CO-AUTHOR OF SENATE BILL 234

On motion of Senator Green and by unanimous consent, Senator Parker will be shown as Co-author of **S.B. 234**.

CO-AUTHOR OF SENATE BILL 1020

On motion of Senator Harris and by unanimous consent, Senator Parker will be shown as Co-author of **S.B. 1020**.

CO-SPONSOR OF HOUSE BILL 2674

On motion of Senator Santiesteban and by unanimous consent, Senator Zaffirini will be shown as Co-sponsor of **H.B. 2674**.

CO-SPONSOR OF HOUSE BILL 2972

On motion of Senator Zaffirini and by unanimous consent, Senator Santiesteban will be shown as Co-sponsor of **H.B. 2972**.

SENATE RESOLUTION 594

Senator Barrientos offered the following resolution:

WHEREAS, Wild Basin Wilderness Preserve is one of Texas's most important natural urban areas; and

WHEREAS, Wild Basin Preserve provides a protected environment for several species of rare and/or endangered plants and birds; and

WHEREAS, Wild Basin provides outstanding hands-on natural science adventures for over 5,000 Texas schoolchildren a year under the tutelage of professionally trained guides; and

WHEREAS, Wild Basin offers a quiet and serene retreat from the noise and bustle of the city for residents of Austin and for visitors to Texas from around the world who participate in the many guided tours offered or walk its trails; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby proclaim the week of May 14 through May 21, 1989, as Wild Basin Wilderness Preserve Week.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

At the Presiding Officer's request, Senator Barrientos escorted Janet Poague, Founder of Wild Basin, and Dr. Susan Johnson, Executive Director of Wild Basin, to the President's Rostrum.

These guests were welcomed by the Senate and received an enrolled copy of S.R. 594.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
May 11, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS BOARD OF MENTAL HEALTH AND
MENTAL RETARDATION, FOR A TERM TO EXPIRE JANUARY 31,
1995:

ANNE RINKER RACE, M.D.
3429 Beverly Drive
Dallas, Texas 75205

Dr. Race will be replacing Coke Mills of Waco, whose term expired.

TO BE BRANCH PILOTS FOR SABINE BAR, PASS AND TRIBUTARIES,
FOR TERMS TO EXPIRE APRIL 29, 1993:

CAPTAIN ROLAND EDWARD RESPESS
5006 Lakeshore Drive
Port Arthur, Texas 77642

Captain Respass is being reappointed.

CAPTAIN DAVID A. WOOD
5535 Bellaire
Beaumont, Texas 77706

Captain Wood is being reappointed.

Respectfully submitted,
/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

GUEST PRESENTED

Senator Armbrister was recognized and presented Dr. Robert A. Williamson of Gonzales.

Dr. Williamson, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

GUEST PRESENTED

Senator Whitmire was recognized and introduced the Honorable Kathy Whitmire, Mayor of the City of Houston.

The Senate welcomed this distinguished guest.

SENATE BILL 907 WITH HOUSE AMENDMENTS

Senator Armbrister called **S.B. 907** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Floor Amendment No. 1 - Saunders

Amend **S.B. 907** by adding the following sentence to Section 2.07, subsection (a):

"If the proposed district will contain territory in more than one county, then a majority of the votes cast in each county must also favor creation of the district. However, if a majority of the votes cast in a county within the proposed district are against the creation of the district and a majority of the votes cast in the remaining county or counties favor creation of the district then the district shall be created only in the counties voting in favor of the proposed district."

Floor Amendment No. 2 - Thomas

Amend **S.B. 907** Page 15, Line 6 as follows:

After word "lease" add: "to physicians, individuals, companies, corporations, etc."

The amendments were read.

On motion of Senator Armbrister and by unanimous consent, the Senate concurred in the House amendments to **S.B. 907** viva voce vote.

SENATE BILL 319 WITH HOUSE AMENDMENT

Senator Green called **S.B. 319** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment - Brimer

Amend **S.B. 319** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 3, Article 5.43-1, Insurance Code, is amended by adding Subsection (f) to read as follows:

(f) "Insurance agent" means:

(1) a person, firm, or corporation licensed under Article 21.14 or 1.14-2 of this code;

(2) a salaried, state, or special agent; or

(3) a person authorized to represent an insurance fund or pool created by a city, county, or other political subdivision of the state under the Interlocal Cooperation Act (Article 4413(32c), Vernon's Texas Civil Statutes).

SECTION 2. Sections 4A(a), (b), and (c), Article 5.43-1, Insurance Code, are amended to read as follows:

(a) The board shall ~~may~~ not issue a certificate of registration under this article unless the applicant files with the board evidence ~~[proof]~~ of a ~~general~~ ~~[policy of-public]~~ liability insurance policy that includes products and completed operations coverage. The policy must be conditioned to pay on behalf of the insured those sums that the insured becomes legally obligated to pay as damages because of bodily injury and property damage caused by an occurrence involving the insured

or the insured's servant, officer, agent, or employee in the conduct of any business registered or licensed under this article.

(b) The limits of insurance coverage required by Subsection (a) of this section shall ~~may~~ not be less than \$100,000 combined single limits for bodily injury and property damage for each occurrence and not less than \$300,000 aggregate for all occurrences per policy year, unless the board increases or decreases the limits under Section 8 of this article.

(c) The evidence of insurance required by this section must be in the form of a certificate of insurance executed by an insurer authorized to do business in this state and countersigned by an insurance ~~[a local recording]~~ agent licensed in this state. ~~A[, or if the board authorizes acceptance of surplus lines coverage under Section 8 of this article, a]~~ certificate of insurance for surplus lines coverage procured in compliance with Article 1.14-2 of this code through a licensed Texas surplus lines agent resident in this state may be filed with the board as evidence of coverage required by this section. Insurance certificates executed and filed with the board under this section remain in force until the insurer has terminated future liability by the notice required by the board.

SECTION 3. Section 8, Article 5.43-1, Insurance Code, is amended to read as follows:

Sec. 8. POWERS AND DUTIES OF STATE BOARD OF INSURANCE.
The State Board of Insurance shall:

(a) formulate and administer such rules as may be determined essentially necessary for the protection and preservation of life and property, in controlling:

(1) the registration of firms engaging in the business of servicing portable fire extinguishers or planning, certifying, installing, or servicing fixed fire extinguisher systems;

(2) the registration of firms engaged in the business of hydrostatic testing of fire extinguisher cylinders;

(3) the examination of persons applying for a license;

(4) the licensing of persons to service portable fire extinguishers and to plan, certify, install, or service fixed fire extinguisher systems; and

(5) the requirements for the servicing of portable fire extinguishers and the planning, certifying, installing, or servicing of fixed fire extinguisher systems;

(b) evaluate the qualifications of firms or individuals for a certificate of registration to engage in the business of servicing portable fire extinguishers or planning, certifying, installing, or servicing fixed fire extinguisher systems;

(c) conduct examinations to ascertain the qualifications and fitness of applicants for a license to service portable fire extinguishers or to plan, certify, install, or service fixed fire extinguisher systems;

(d) issue certificates of registration for those firms that qualify under the rules to engage in the business of servicing portable fire extinguishers or planning, certifying, installing, or servicing fixed fire extinguisher systems, and issue licenses, apprentice permits, and authorizations to perform hydrostatic testing to the firms or individuals who qualify;

(e) evaluate the qualifications of firms seeking approval as testing laboratories; and

(f) have authority, after notice and opportunity for hearing, to increase or decrease the limits of insurance coverage ~~[and authorize acceptance of surplus lines coverage if the board determines that due to loss experience, market conditions, or other good reason the liability insurance coverage required by Section 4A of this article is unavailable to applicants for or holders of certificates of registration]~~.

SECTION 4. Section 2, Article 5.43-2, Insurance Code, is amended by adding Subdivision (14) to read as follows:

(14) "Insurance agent" means:

(A) a person, firm, or corporation licensed under Article 21.14 or 1.14-2 of this code;

(B) a salaried, state, or special agent; or

(C) a person authorized to represent an insurance fund or pool created by a city, county, or other political subdivision of the state under the Interlocal Cooperation Act (Article 4413(32c), Vernon's Texas Civil Statutes).

SECTION 5. Section 5B, Article 5.43-2, Insurance Code, is amended to read as follows:

Sec. 5B. ~~REQUIRED [BOND AND]~~ INSURANCE. (a) The board shall ~~[may]~~ not issue a certificate of registration under this article unless the applicant files with the board evidence of a general liability insurance policy that includes products and completed operations coverage. The policy shall be:

~~[(1) a surety bond executed by a surety company authorized to do business in this state in the sum of \$10,000 conditioned to compensate for damages caused by wrongful or illegal acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this article, and~~

~~[(2) proof of a policy of public liability insurance] conditioned to pay on behalf of the insured those sums that the insured becomes legally obligated to pay as damages because of bodily injury and property damage caused by an occurrence involving the insured or the insured's servant, officer, agent, or employee in the conduct of any business registered or licensed under this article.~~

(b) The limits of insurance coverage required by Subsection (a) of this section shall ~~[may]~~ not be less than \$100,000 combined single limits for bodily injury and property damage for each occurrence and not less than \$300,000 aggregate for all occurrences per policy year, unless the board increases or decreases those limits under Section 6 of this article.

(c) The evidence of general ~~[public]~~ liability insurance required by this section must be in the form of a certificate of insurance executed by an insurer authorized to do business in this state and countersigned by an insurance ~~[a local recording]~~ agent licensed in this state. A ~~[If the board authorizes acceptance of surplus lines coverage under Section 6 of this article, a]~~ certificate of insurance for surplus lines coverage procured in compliance with Article 1.14-2 of this code through a licensed Texas surplus lines agent resident in this state may be filed with the board as evidence of coverage required by this section. Insurance certificates executed and filed with the board under this section remain in force until the insurer has terminated future liability by the notice required by the board.

(d) ~~[The applicant shall make the required surety bond payable to the state. Anyone injured by the principal or by the principal's servant, officer, agent, or employee may sue directly on the bond. The bond is subject to successive suits for recovery until the face amount of the bond is completely exhausted. Bonds executed and filed with the board under this section remain in force until the surety has terminated future liability by a 30-day notice to the board.]~~

~~[(e)]~~ Failure to maintain ~~[the surety bond or]~~ the liability insurance required under this section constitutes grounds for the denial, suspension, or revocation of a certificate of registration issued under this article after notice and opportunity for hearing.

(e) ~~[(f)]~~ For a person who is licensed to install or service burglar alarms under the Private Investigators and Private Security Agencies Act, as amended (Article 4413(29bb), Vernon's Texas Civil Statutes), compliance with the ~~[bond and]~~ insurance requirements of that Act constitutes compliance with the ~~[bond and]~~

insurance requirements of this section if the insurance held by the person complies with the requirements of this section in amounts and types of coverage.

SECTION 6. Section 6(b), Article 5.43-2, Insurance Code, is amended to read as follows:

(b) The board may, after notice and opportunity for hearing, increase or decrease the limits of insurance coverage ~~[and authorize acceptance of surplus lines coverage if the board determines that due to loss experience, market conditions, or other good reason the liability insurance coverage required by Section 5B of this article is unavailable to applicants for or holders of certificates of registration].~~

SECTION 7. Section 1, Article 5.43-3, Insurance Code, is amended by adding Subdivision (13) to read as follows:

(13) "Insurance agent" means:

(A) a person, firm, or corporation licensed under Article 21.14 or 1.14-2 of this code;

(B) a salaried, state, or special agent; or

(C) a person authorized to represent an insurance fund or pool created by a city, county, or other political subdivision of the state under the Interlocal Cooperation Act (Article 4413(32c), Vernon's Texas Civil Statutes).

SECTION 8. Section 5, Article 5.43-3, Insurance Code, is amended to read as follows:

Sec. 5. ~~REQUIRED [BOND AND]~~ INSURANCE. (a) The board shall ~~[may]~~ not issue a certificate of registration under this article unless the applicant files with the board evidence of a general liability insurance policy that includes products and completed operations coverage. The limits of insurance coverage required by this section shall be:

~~[(1) a surety bond executed by a surety company authorized to do business in this state in the sum of \$10,000 conditioned to compensate third-party losses caused by the acts of the principal or the principal's servant, officer, agent, or employee in conducting the business registered or licensed under this article, and~~

~~[(2) proof of a policy of public liability insurance with coverage] in an amount not less than \$100,000 combined single limits for bodily injury and property damage for each occurrence and not less than \$300,000 aggregate for all occurrences per policy year, unless the board increases or decreases the amounts under Section 7 of this article. The policy[which insurance] shall be conditioned to pay on behalf of the insured those amounts that the insured is legally obligated to pay as damages because of bodily injury and property damage caused by an occurrence involving the insured or the insured's servant, officer, agent, or employee in the conduct of any business registered under this article.~~

(b) The evidence of general liability insurance required by this section must be in the form of a certificate of insurance executed by an insurer authorized to do business in this state and countersigned by an insurance ~~[a local recording]~~ agent licensed in this state. ~~A [if the board authorizes acceptance of surplus lines coverage under Section 7 of this article, a] certificate of insurance for surplus lines coverage procured in compliance with Article 1.14-2 of this code by a licensed Texas surplus lines agent resident in this state may be filed with the board as evidence of coverage required by this section. Insurance certificates executed and filed with the board under this section remain in force until the insurer has terminated future liability by the notice required by the board.~~

(c) ~~[The applicant shall make the required surety bond payable to the state. A person who is damaged or injured by the principal or by the principal's servant, officer, agent, or employee may sue directly on the bond. The bond is subject to successive suits for recovery until the face amount of the bond is exhausted. A bond executed and filed with the board under this section remains in force until the surety has terminated future liability by a 30-day notice to the board.]~~

~~[(d)]~~ Failure to maintain ~~[the surety bond or the]~~ liability insurance required under this section constitutes grounds for the denial, suspension, or revocation of a certificate of registration issued under this article after notice and opportunity for hearing.

SECTION 9. Section 7(c), Article 5.43-3, Insurance Code, is amended to read as follows:

(c) The board may, after notice and opportunity for hearing, increase or decrease the limits of insurance coverage ~~[and authorize acceptance of surplus lines coverage if the board determines that due to loss experience, market conditions, or other good reason the liability insurance coverage required by Section 5 of this article is unavailable to applicants for or holders of certificates of registration].~~

SECTION 10. Section 1, Article 5.43-4, Insurance Code, is amended by adding Subdivision (18) to read as follows:

(18) "Insurance agent" means:

(A) a person, firm, or corporation licensed under Article 21.14 or 1.14-2 of this code;

(B) a salaried, state, or special agent; and

(C) a person authorized to represent an insurance fund or pool created by a city, county, or other political subdivision of the state under the Interlocal Cooperation Act (Article 4413(32c), Vernon's Texas Civil Statutes).

SECTION 11. Section 15, Article 5.43-4, Insurance Code, is amended to read as follows:

Sec. 15. INSURANCE. (a) An applicant for a public display license or permit must submit to the state fire marshal evidence [proof] of a general [policy of public] liability insurance policy in an amount of not less than \$300,000 unless the board increases or decreases the amount under Section 16 of this article. The policy shall be conditioned to pay those sums the insured becomes obligated to pay as damages because of bodily injury and property damage caused by an occurrence involving the insured or the insured's servant, officer, agent, or employee in the conduct of a public fireworks display.

(b) Evidence of the liability insurance policy required by this section must be in the form of a certificate of insurance issued by an insurer authorized to do business in this state and countersigned by an insurance [a local recording] agent licensed in this state. A [If the board authorizes acceptance of surplus lines coverage under Section 16 of this article, a] certificate of insurance for surplus lines coverage procured in compliance with Article 1.14-2 of this code through a licensed Texas surplus lines agent resident in this state may be filed with the board as evidence of coverage required by this section. An insurer may not cancel a certificate of insurance issued under this section unless the insurer gives the state fire marshal notice of intent to cancel as required by the board. A public display license or display permit may not be issued without evidence [proof] of general [public] liability insurance as required by this section. The requirement of this section may be satisfied by a city, county, or other political subdivision presenting proof of its participation in a self-insurance fund or other fund created under The Interlocal Cooperation Act (Article 4413(32c), Vernon's Texas Civil Statutes) covering the liability requirements under this article.

SECTION 12. Section 16(c), Article 5.43-4, Insurance Code, is amended to read as follows:

(c) The board may, after notice and opportunity for hearing, increase or decrease the limits of insurance coverage ~~[and authorize acceptance of a surplus lines coverage if the board determines that due to loss experience, market conditions, or other good reason the liability insurance coverage required by Section 15 of this article is unavailable to applicants for and holders of public display licenses or permits].~~

SECTION 13. Section 2, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Subdivision (32) to read as follows:

(32) "Insurance agent" means:

(A) a person, firm, or corporation licensed under Article 21.14 or 1.14-2 of this code;

(B) a salaried, state, or special agent; or

(C) a person authorized to represent an insurance fund or pool created by a city, county, or other political subdivision of the state under the Interlocal Cooperation Act (Article 4413(32c), Vernon's Texas Civil Statutes).

SECTION 14. Section 40, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 40. ~~[BONDS AND]~~ INSURANCE FILED FOR LICENSEE. (a) ~~[No license shall be issued under this Act unless the applicant files with the board a surety bond executed by a surety company authorized to do business in this State in the sum of Ten Thousand Dollars (\$10,000) conditioned to recover against the principal, its servants, officers, agents and employees by reason of its wrongful or illegal acts in conducting such business licensed under this Act.]~~

~~[(b)]~~ No license shall be issued under this Act unless the applicant files with the board evidence [proof] of a policy of general [public] liability insurance on a certificate of insurance form prescribed by the board and countersigned by an insurance agent licensed in this state or a certificate of insurance for surplus lines coverage procured in compliance with Article 1.14-2, Insurance Code, through a licensed Texas surplus lines agent resident in this state [executed by a local recording agency licensed in this state or a surplus lines agent licensed in this state]. The policy of general [public] liability insurance shall be conditioned to pay on behalf of the licensee all sums which the licensee becomes legally obligated to pay as damages because of bodily injury, property damage, or personal injury, caused by an event involving the principal, its servants, officers, or employees in the conduct of any business licensed under this Act. The insurance policy must contain minimum limits of \$100,000 per occurrence for bodily injury and property damage, and \$50,000 per occurrence for personal injury, with a minimum total aggregate amount of \$200,000 for all occurrences.

(b) For a person who is licensed to install and service fire alarms under Article 5.43-2, Insurance Code, compliance with the insurance requirements of that Act constitutes compliance with the insurance requirements of this section if the insurance held by the applicant complies with the requirements of this section in amounts and types of coverage

~~[(c)]~~ ~~If an applicant is unable to purchase liability insurance coverage from an insurer authorized to do business in this state, the applicant, with the approval of the State Board of Insurance, may purchase coverage from a surplus lines insurer that meets the requirements of Article 1.14-2 of the Insurance Code and rules adopted by the State Board of Insurance. The coverage must meet the minimum limits prescribed by Subsection (b) of this section.]~~

SECTION 15. This Act applies to all certificates of registration, licenses, and permits issued or renewed on and after the effective date of this Act. A certificate of registration, license, or permit issued or renewed before the effective date of this Act is governed by the law that existed at the time it was issued or renewed, and that law is continued in effect for that purpose.

SECTION 16. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Green moved to concur in the House amendment to **S.B. 319**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1518 ON SECOND READING**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1518, Relating to the exemption of municipal solid waste management facilities and certain solid and hazardous waste management facilities from review by the Texas Air Control Board.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1518 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1518** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Lyon, Washington.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1.

Nays: Lyon.

(President in Chair)

SENATE BILL 300 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 300, Relating to certain duties that may be exercised by a dental hygienist under the supervision of a dentist.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend **S.B. 300** by striking everything below the enacting clause and by substituting in lieu thereof the following:

SECTION 1. Sections 3(c) and (d), Chapter 475, Acts of the 52nd Legislature, Regular Session, 1951 (Article 4551e, Vernon's Texas Civil Statutes), are amended to read as follows:

(c) For the purposes of this Act, general supervision shall mean that the supervising dentist shall be physically present on the premises of the dental office no less than eight hours per week and shall verify the quality of the permitted

services and procedures performed by a manner or method that the dentist deems appropriate; provided that the permitted services and procedures are performed only on patients of record whose written consent has been obtained and the supervising dentist has examined the patient at least once within the preceding 12-month period and has prescribed on the patient's chart that the care may be provided under general supervision.

(d) All work performed by a dental hygienist in the practice of dental hygiene, as defined in this Act, shall be performed in the dental office of a dentist or dentists legally engaged in the practice of dentistry in this state, by whom he or she must be employed, except where employed by schools, hospitals, state institutions, public health clinics or other institutions approved by the Texas State Board of Dental Examiners. However, a dental hygienist may provide instruction and education in oral hygiene and dental health techniques in any public or private setting, including a nursing home. It shall be unlawful for more than two dental hygienists to practice dental hygiene for one dentist at any one time, and it shall be unlawful for a dentist legally engaged in the practice of dentistry in this state to employ, under any contractual relationship whatsoever, more than two dental hygienists to practice dental hygiene at any one time.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 558 ON SECOND READING

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 558, Relating to tuition and fee payments at institutions of higher education and to Texas Public Educational Grants funded by tuition payments.

The bill was read second time and was passed to third reading viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 558 ON THIRD READING

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.H.B. 558** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 1359 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 1359, Relating to the creation of a lien on certain proceeds for holders of perfected liens on motor vehicles.

The bill was read second time and was passed to third reading viva voce vote.

HOUSE BILL 1359 ON THIRD READING

Senator Sims moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **H.B. 1359** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1312 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1312, Relating to ad valorem tax abatement in a reinvestment zone.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1312 ON THIRD READING**

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1312** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1512 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1512, Relating to a preference for products made of recycled materials in certain purchases made by the State Purchasing and General Services Commission.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1512 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 1512 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Ratliff in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1299 ON SECOND READING**

Senator Armbrister asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1299, Relating to registration of nursing pools.

There was objection.

Senator Armbrister then moved to suspend the regular order of business and take up C.S.S.B. 1299 for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Henderson, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Harris, Leedom, Ratliff.

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Leedom asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1299 ON THIRD READING**

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 1299 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 4.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Henderson, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Harris, Leedom, Ratliff, Washington.

Absent: Sims.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 3.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Henderson, Johnson, Krier, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Harris, Leedom, Ratliff.

Absent: Sims.

MESSAGE FROM THE HOUSE

House Chamber
May 11, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 489, Relating to the continuation, powers and duties of the Department of Agriculture; providing penalties. (As substituted and amended)

S.B. 480, Relating to registered nurses administering medications prescribed by persons licensed by the Texas State Board of Podiatry Examiners.

H.J.R. 13, Proposing a Constitutional amendment to authorize the legislature to exempt from ad valorem taxation certain property of nonprofit veterans organizations.

H.J.R. 40, Proposing a Constitutional amendment relating to the oath of office prescribed for members of the legislature.

H.B. 24, Relating to taxes on the purchase, acquisition, importation, manufacture, or production of a controlled substance, counterfeit substance, simulated controlled substance or marihuana; providing criminal penalties and providing for the seizure and forfeiture of certain property.

H.B. 156, Relating to the adjudication and disposition of a child for an unexcused voluntary absence from school.

H.B. 243, Relating to the disposition by municipalities of fines collected for certain traffic law violations.

H.B. 310, Relating to the inspection of the place where blood samples are taken for the purpose of determining alcohol concentration or the presence of a controlled substance or drug in the blood of a person operating a motor vehicle.

H.B. 579, Relating to the creation of the offense of injury to or interference with an animal under the supervision of a peace officer.

H.B. 708, Relating to the creation, administration and operation of the fire department emergency program under the jurisdiction of the Fire Department Emergency Board.

H.B. 755, Relating to inspection of suncreening devices on certain motor vehicles.

H.B. 825, Relating to coverage of pharmaceutical services under certain health insurance policies and employee benefit plans.

H.B. 1405, Relating to an employee of a local governmental body who reports a violation of law.

H.B. 1507, Relating to the regulation of anabolic steroids and human growth hormones under the Texas Controlled Substances Act and to requiring schools to post a copy of the law regarding steroids in school gymnasiums; providing criminal penalties.

H.B. 1667, Relating to the regulation of certain persons who provide counseling services.

H.B. 1794, Relating to the regulation of unattended retail service stations by the State Board of Insurance.

H.B. 2064, Relating to the eligibility of certain municipalities to impose additional sales and use taxes.

H.B. 2161, Relating to the payment of money to an inmate on the release of the inmate from the Texas Department of Corrections.

H.B. 2252, Relating to the authority of the commissioners courts of certain counties to adopt a fire code for certain buildings in unincorporated areas.

H.B. 2408, Relating to railroad crossing safety information regarding railroad intersections in unincorporated areas of the State.

H.B. 2884, Relating to the authority of certain villages to adopt an extraterritorial jurisdiction.

H.B. 3012, Relating additional duties of a county judge or commissioner as a member, officer or director of certain entities.

H.B. 3032, Relating to the administration of the local government corporate banking franchise tax fund.

The House has concurred in Senate amendments to **H.C.R. 92** by a non-record vote.

The House has concurred in Senate amendments to the following House bills by non-record votes:

H.B. 1243

H.B. 1301

H.B. 1407

H.B. 1155

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

(President in Chair)

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Edwards.

The President asked if there were requests to sever nominees.

Senator Barrientos requested that the nomination of George William Worth, to be a Member of the Texas State University System Board of Regents, be severed.

Senator Truan requested that the nominations of William G. Hendrick and Jay H. Reynolds, to be Members of the Radiation Advisory Board, be severed.

Senator Armbrister requested that all remaining nominees not previously severed from the Radiation Advisory Board be severed.

The requests were granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported yesterday by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Member, State Board of Insurance: PAUL T. WROTENBERY, Travis County.

Members, Texas Higher Education Coordinating Board: MS. CAROLYN REMBERT BACON, Dallas County; FRANK KELL CAHOON, Midland County; HAL DAUGHERTY, El Paso County; CIPRIANO F. GUERRA, JR., Bexar County; GREGORY ELDON MITCHELL, Randall County; MRS. KATHRYN AMSLER PRIDDY, Dallas County.

Member, Board of Regents, Texas State University System: DANIEL N. MATHESON III, Travis County.

Members, Board of Regents, Texas State Technical Institute: GEORGE WELDON BAUR, Harris County; JESSE S. HARRIS, Dallas County.

Members, Board of Directors, University System of South Texas: JAMES H. CLEMENT, JR., Kleberg County; JERRY W. GATES, Nueces County; J. PHILIP McCORMICK, Travis County.

Members, Board of Regents, Midwestern State University: DR. DAVID H. ALLEN, Wichita County; DUNMAN PERRY, JR., Palo Pinto County; MRS. KATHRYN ANNE YEAGER, Wichita County.

Members, Board of Regents, Texas Woman's University: MAURICE LEE BARKSDALE, Tarrant County; MRS. JANET JOHNSON, Dallas County; MS. JEANNE L. JOHNSON, Dallas County.

Members, Lower Concho River Water and Soil Conservation Authority: LEROY PAUL BEACH, Concho County; HOWARD E. LOVELESS, Concho County.

Members, Board of Regents, Texas Tech University: GENERAL RICHARD E. CAVAZOS, Williamson County; ALAN B. WHITE, Lubbock County.

Member, Texas Board of Health: DR. DONALD M. PETERSON, Dallas County.

Members, Texas Board on Aging: MS. MARGARET W. CARTER LUCKIE, Wharton County; MRS. JAN PATTERSON, Dallas County.

Members, Governing Board of the Texas School for the Blind: MR. CRISPIN E. SANCHEZ, Webb County; MS. OLIVIA CHAVEZ SCHONBERGER, El Paso County; DR. NALIN H. TOLIA, Ector County.

Members, Governing Board of the Texas School for the Deaf: DR. KENNETH Z. ALTSHULER, Dallas County; JACK H. HENSLEY, Travis County; JERRY ALLEN JAMES, Harris County; MRS. IRENE ELIZABETH DAVILA JONES, Tarrant County; ROBERT BRUTON NEELY, Dallas County; GARY ADRIAN UTLEY, Harris County.

Members, Texas Commission for the Deaf: GWENDEL D. BUTLER, Travis County; DONALD HOWARD ENGLAND, Travis County; MS. MARY HELEN HALTOM, Tarrant County.

Members, Texas Rehabilitation Commission: COMMISSIONER JIM GRAY, Gregg County; JERRY KANE, Nueces County; RAY A. WILKERSON, Travis County.

Member, Texas Committee on Purchases of Products and Services of Blind and Severely Disabled Persons: MEARL ZEEK HARRIS, Travis County.

Members, Texas Health and Human Services Coordinating Council: MS. ANNE ASHY, Victoria County; MS. PAMELA JEAN COVINGTON, Dallas County; JERRY P. CUNNINGHAM, Dallas County; JERRY KANE, Nueces County; MS. POLLY KEY SOWELL, Travis County.

Members, Texas Diabetes Council: MS. HELEN G. BROGDON, Parker County; ROBERT STEVEN DAVIDSON, Midland County; MS. LILY MAE FONTENO, Harris County; MRS. JUDY M. HUNT, Dallas County; MRS. MAURILIA FLORES RODRIGUEZ, Cameron County; MS. LINDA W. RUSSELL, Dallas County; DR. MICHAEL P. STERN, Bexar County; DR. LUTHER B. TRAVIS, Galveston County.

Members, State Human Rights Commission: MRS. RAE SCHOLLMAIER, Tarrant County; MRS. LAURA ZUNIGA, El Paso County.

Members, Council on Disabilities: MS. MARY CAROLYN KNOTT, El Paso County; MARVIN RICHARD MAREK, JR., Bexar County; MRS. LINDA J. PARKER, Kerr County; MS. MARTHA VIRGINIA WYNNE, Dallas County.

Members, Texas Advisory Board of Occupational Therapy Examiners: MS. GRACIELA GARCIA, Harris County; MS. SALLY WISE SCHULTZ, Collin County.

Member, Texas Optometry Board: JIMMY BITNER, Gillespie County.

Members, Texas Board of Physical Therapy Examiners: RUSSELL J. BAIRD, Wharton County; TRAVIS B. COX, Guadalupe County; HENRY LYNN LAIRD, Randall County.

Members, Texas State Board of Podiatry Examiners: HARRY V. BURNS, Bexar County; DR. PRESTON GOFORTH, Bell County; DR. EUGENE RUBEN SCIOLI, Lubbock County; RICK D. SORRELLS, Dallas County; MRS. BETTY FRANCES WALKER, Ector County.

Members, Hospital Licensing Advisory Board: DR. RICHARD LEWIS BALLARD, Hidalgo County; LARRY M. GRAHAM, Kaufman County; DR. BRIAN STANLEY HARPER, Milam County; JAKE HENRY, JR., Lubbock County; MRS. MAYOLA ELIZABETH LASATER, Parker County; DR. GEORGE WILLEFORD III, Travis County; MRS. IRENE S. WISCHER, Bexar County.

Members, Texas Hospital Equipment Financing Council: MS. NANCY JUNE HUGGINS, Dallas County; DR. RICHARD F. KJEPFER, Bexar County; DAN E. PATTERSON, Dallas County; CALVIN EUGENE PERSON, Dallas County; MIGUEL SAN JUAN, Fort Bend County.

Members, State Committee of Examiners for Speech Pathology and Audiology: MRS. SUSAN GAY DORSETT, Erath County; MRS. MARILYN S. DUNCAN, Dallas County; MRS. SAUNDRA CARSON WATERS, Harris County.

Question on the confirmation of George William Worth, to be a Member of the Texas State University System Board of Regents, Mr. Worth's nomination was rejected by the following vote: Yeas 11, Nays 20.

Yeas: Bivins, Brown, Harris, Henderson, Krier, Leedom, McFarland, Ratliff, Sims, Tejada, Zaffirini.

Nays: Armbrister, Barrientos, Brooks, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Johnson, Lyon, Montford, Parker, Parmer, Santiesteban, Truan, Uribe, Washington, Whitmire.

Question on the nominees to the Radiation Advisory Board not previously severed, Ralph Buell, Dr. Glen Keith King, Dr. Jack Stewart Krohmer, Jesse W. Locke, Benjamin Manley McKibbens, Dr. James W. Orr, Dr. Jack D. Ramsey, Forrest E. Robertson, Dr. Robert Daniel Smith, Dr. Vernie A. Stembridge and Dr. Rodolfo Lucas Villarreal were confirmed by the following vote: Yeas 29, Nays 2.

Yeas: Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Armbrister, Johnson.

Question on the confirmation of William G. Hendrick, to be a Member of the Radiation Advisory Board, Mr. Hendrick's nomination was rejected by the following vote: Yeas 17, Nays 14.

Yeas: Barrientos, Bivins, Brooks, Brown, Caperton, Harris, Henderson, Johnson, Krier, Leedom, McFarland, Montford, Parker, Ratliff, Santiesteban, Sims, Zaffirini.

Nays: Armbrister, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Lyon, Parmer, Tejada, Truan, Uribe, Washington, Whitmire.

Question on the confirmation of Jay H. Reynolds, to be a Member of the Radiation Advisory Board, Mr. Reynolds' nomination was rejected by the following vote: Yeas 14, Nays 15.

Yeas: Bivins, Brooks, Brown, Harris, Henderson, Krier, Leedom, McFarland, Montford, Parker, Ratliff, Santiesteban, Sims, Zaffirini.

Nays: Armbrister, Barrientos, Carriker, Edwards, Glasgow, Green, Haley, Johnson, Lyon, Parmer, Tejada, Truan, Uribe, Washington, Whitmire.

Absent: Caperton, Dickson.

MESSAGE FROM THE HOUSE

House Chamber
May 11, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 55, Relating to the admissibility in a criminal proceeding of an oral or sign language statement made by the accused as a result of custodial interrogation. (As amended)

S.B. 169, Relating to actions that constitute the practice of chiropractic and certain activities that chiropractors may not perform. (As amended)

S.B. 378, Relating to the dismissal of the charge of driving with an expired motor vehicle registration, an expired driver's license or an expired vehicle

inspection certificate; and providing for an administrative fee not to exceed \$10 for said dismissal. (As amended)

S.B. 404, Relating to an exemption from the open records law for college transcripts maintained in the personnel files of certain school personnel. (As amended)

S.B. 985, Relating to the uniform Statewide accounting system and the appropriation of funds for the implementation of that system. (As substituted)

S.B. 1207, Relating to the notice to a purchaser of real property in a water district. (As substituted and amended)

S.B. 63, Relating to signal lamps on emergency vehicles used by volunteer fire fighters.

S.B. 73, Relating to appropriation of funds to Midwestern State University.

S.B. 244, Relating to the authority of a municipal fire department to obtain from the Department of Public Safety and local law enforcement agencies the criminal conviction record of certain fire department applicants.

S.B. 320, Relating to the education about and investigation of fires.

S.B. 759, Relating to the regulation of certain talent agencies; providing a penalty.

S.B. 1044, Relating to nonsubstantive revisions of the laws relating to corrections, including criminal penalties and conforming amendments.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 1504 WITH HOUSE AMENDMENT

Senator Brooks called **S.B. 1504** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment - Waterfield

Amend **S.B. 1504** on page 3, lines 11 through 13, by deleting the underlined language and by reinstating the language stricken on lines 14 through 26 on page 3, and the language stricken on lines 1 and 2 on page 4.

The amendment was read.

Senator Brooks moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 1504** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Brooks, Chairman; Krier, Johnson, Tejada and Whitmire.

SENATE BILL 911 WITH HOUSE AMENDMENTS

Senator McFarland called **S.B. 911** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Floor Amendment No. 1 - C. Harris

Amend **S.B. 911** by striking the following on lines 13-15 on page 3:

"Any benefits so provided shall be determined as if necessary care and treatment in a chemical [~~an alcohol~~] dependency treatment center were care and treatment in a hospital."

and substitute in lieu thereof the following:

"The State Board of Insurance in consultation with the Texas Commission on Alcohol and Drug Abuse shall formulate standards for reasonable and medically necessary treatment periods for use by insurers under this section. The standards shall provide for appropriate utilization review of treatment as well as medically necessary extensions of treatment. The standards shall be adopted by rule of the State Board of Insurance and be applicable to the provision of all services under this section."

(4) On page 4, add the following after line 3:

"Sec. 2B. A chemical dependency treatment plan for a patient may be approved by a physician otherwise barred under Section 2A of this article if the treatment plan is also recommended by an independent physician who has no financial, ownership, or employment interest in the facility and who is not related within the first degree of consanguinity or affinity to a person who has a financial, ownership or employment interest in the facility."

Floor Amendment No. 2 - McKinney

Amend the C. Harris amendment to **S.B. 911**, first printing:

In the event the physician, who approves or monitors the written treatment plan for an insured, has a "significant beneficial interest" in the facility, that facility shall provide written disclosure of that interest on any bill or claim form submitted for services rendered under that plan. For the purposes of this subparagraph, "significant beneficial interest" means any financial interest equal to or greater than five percent of the whole or \$5,000, whichever is less.

Floor Amendment No. 1 on Third Reading - C. Harris

Amend **S.B. 911** by striking all below the enacting clause and substituting the following:

SECTION 1. Article 3.51-9, Insurance Code, as amended by Chapters 632 and 805, Acts of the 69th Legislature, Regular Session, 1985, is amended and reconciled by amending the article heading and Section 1, adding new Sections 2 and 2B, and amending and renumbering Section 2 to read as follows:

Art. 3.51-9. AVAILABILITY OF CHEMICAL [~~ALCOHOL AND OTHER DRUG~~] DEPENDENCY COVERAGE

Sec. 1. PURPOSE. The purpose of this article is to provide consumers with benefits for the care and treatment of chemical [~~alcohol~~] dependency in group health insurance policies or contracts, group health coverage provided by health maintenance organizations, and all self-funded or self-insured plans (but excluding those self-funded or self-insured plans with 250 or fewer [~~less~~] employees or members), that provide basic hospital, surgical, or major medical expense benefits or coverages or any combination of these coverages, but excluding all individual

insurance policies, and any individual H.M.O. policies, regardless of the method of solicitation or sale, and excluding all health insurance policies that only provide cash indemnity for hospital or other confinement benefits, or supplemental or limited benefit coverage, or coverage for specified diseases or accidents, or disability income coverage, or any combination thereof.

Sec. 2. DEFINITIONS. In this article:

(1) "Chemical dependency" means the abuse of or psychological or physical dependence on or addiction to alcohol or a controlled substance.

(2) "Controlled substance" means a toxic inhalant or a substance designated as a controlled substance in the Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes).

(3) "Toxic inhalant" means a volatile chemical under Chapter 323, Acts of the 68th Legislature, Regular Session, 1983 (Article 4476-13a, Vernon's Texas Civil Statutes), or abusable glue or aerosol paint under Section 4.13, Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes).

Sec. 2A [2]. AVAILABILITY OF COVERAGE FOR CHEMICAL [ALCOHOL] DEPENDENCY. Insurers, nonprofit hospital and medical service plan corporations subject to Chapter 20 of this code, health maintenance organizations providing group health coverage, and all employer, trustee, or other self-funded or self-insured plans or arrangements transacting health insurance or providing other health coverage or services in this state shall provide, under such group insurance policies or contracts and such plans or arrangements providing hospital and medical coverage or services on an expense incurred, service, or prepaid basis, benefits for the necessary care and treatment of chemical [alcohol] dependency that are not less favorable than for physical illness generally, subject to the same durational limits, dollar limits, deductibles, and coinsurance factors.

This section does not apply to any employer, trustee, or any other self-funded or self-insured plans or arrangements with 250 or fewer [less] employees or members, or any individual insurance policies regardless of the method of solicitation or sale, or any individual H.M.O. policies, or to any health insurance policies that only provide cash indemnity for hospital or other confinement benefits, or supplemental or limited benefit coverage, or coverage for specified diseases or accidents, or disability income coverage, or any combination thereof.

Any benefits so provided shall be determined as if necessary care and treatment in a chemical [an alcohol] dependency treatment center were care and treatment in a hospital. The State Board of Insurance and the Texas Commission on Alcohol and Drug Abuse shall formulate standards for use by insurers, other third party reimbursement sources, and chemical dependency treatment centers for the reasonable control of costs necessary for inpatient and outpatient treatment of chemical dependency, including guidelines for treatment periods. The standards shall provide for appropriate utilization review of treatment as well as necessary extensions of treatment. The State Board of Insurance by rule shall adopt the standards as approved by both the State Board of Insurance and the Texas Commission on Alcohol and Drug Abuse, and those standards are applicable to the provision of all services under this section. On adoption of standards or rules by the State Board of Insurance under this section, benefits provided herein shall be subject to those standards or rules. For purposes of this article, the term "chemical [alcohol] dependency treatment center" means a facility which provides a program for the treatment of chemical [alcohol] dependency pursuant to a written treatment plan approved and monitored by a physician who, except as provided by Section 2B of this article, has no financial or ownership interest in the facility, and who is not related within the first degree of consanguinity or affinity to a person who has a financial or ownership interest in the facility, and which facility is also:

- (1) affiliated with a hospital under a contractual agreement with an established system for patient referral; or
- (2) accredited as such a facility by the Joint Commission on Accreditation of Hospitals; or
- (3) licensed as a chemical dependency ~~[an alcohol]~~ treatment program by the Texas Commission on Alcohol and Drug Abuse; or
- (4) licensed, certified, or approved as a chemical ~~[an alcohol]~~ dependency treatment program or center by any other state agency having legal authority to so license, certify, or approve.

Sec. 2B. REQUIREMENT FOR REFERRAL OR TREATMENT BY CERTAIN PHYSICIANS. (a) A physician who has a financial or ownership interest in a chemical dependency treatment center or who is related within the first degree of consanguinity to a person who has a financial or ownership interest in a chemical dependency treatment center may not admit to or treat a person for chemical dependency at that center unless the physician obtains a second opinion recommending the treatment for that person. The second opinion must be obtained from an independent physician who has no financial, employment, or ownership interest in the treatment center or is not related within the first degree of consanguinity to a person who has such a financial or ownership interest.

(b) Under Subsection (a) of this section, a financial or ownership interest does not include stock of a publicly held corporation of less than one percent or a contractual arrangement for employment or to render services at the chemical dependency treatment center.

SECTION 2. This Act takes effect on January 1, 1990, and applies only to group insurance policies, contracts, certificates, and plans and to coverage provided by health maintenance organizations and self-funded and self-insured plans with more than 250 employees or members delivered or issued for delivery or renewed in this state on or after January 1, 1990, or subject to collective bargaining agreements applicable to particular policyholders entered into or renegotiated on or after January 1, 1990. Group insurance policies, contracts, certificates, and plans and coverage provided by health maintenance organizations and self-funded or self-insured plans delivered or issued for delivery or renewed in this state before January 1, 1990, or subject to collective bargaining agreements applicable to particular policyholders entered into or renegotiated before January 1, 1990, are subject to the law as it existed before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act does not apply to any matter that on the effective date of this Act:

- (1) is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court of competent jurisdiction; or
- (2) has been held invalid by a final judgment of a court of competent jurisdiction.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Floor Amendment No. 2 on Third Reading - Kuempel

Amend the amendment to **S.B. 911**, on page 5, by striking lines 5 through 7 and substituting the following:

"corporation of less than one percent."

The amendments were read.

Senator McFarland moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 911** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators McFarland, Chairman; Brooks, Dickson, Zaffirini and Barrientos.

MEMORIAL RESOLUTIONS

S.R. 619 - By Sims: In memory of Edelle Cox Hignett of San Angelo.

S.R. 621 - By Glasgow: In memory of Cal Wren of Mineral Wells.

S.R. 622 - By Glasgow: In memory of Roy Paul Thomas of De Leon.

S.R. 623 - By Glasgow: In memory of Billy Burton Burrow of Trophy Club.

S.R. 624 - By Glasgow: In memory of Daniel S. Cotton of Alvarado.

S.R. 626 - By Glasgow: In memory of Campbell Walker of Weatherford.

S.R. 627 - By Glasgow: In memory of Aline Jean States of Mineral Wells.

S.R. 630 - By Montford: In memory of Maurice C. Snell of Lubbock.

CONGRATULATORY RESOLUTIONS

H.C.R. 211 - (Washington): Honoring the delegates to the 85th National Baptist Sunday Church School and Baptist Training Union Congress.

S.R. 618 - By Dickson: Extending congratulations to the Cardwell triplets, Faith, Hope and Charity, of Sweetwater on their 90th birthday.

S.R. 620 - By Harris: Extending congratulations to Mr. Pedro E. Prado on his many accomplishments and on introducing La Chaine des Rotisseurs.

S.R. 628 - By Glasgow: Expressing gratitude to Mary Anne McCloud and the members of the Board of Visitors of M. D. Anderson Cancer Center for their magnificent accomplishments for the benefit of the citizens of Texas and all mankind.

S.R. 629 - By Montford: Declaring the month of October, 1989, as Texas Society of Architects Month.

S.R. 631 - By Tejeda: Extending congratulations to the Planto Furniture Manufacturing Company, its owners and its employees on their successful business and for contributing to the economy of this State.

S.R. 632 - By Tejeda: Extending congratulations to the Harlandale Independent School District for their annual cultural arts festival.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 1:11 p.m. adjourned until 9:30 a.m. tomorrow.

APPENDIX

Sent to Comptroller
(May 11, 1989)

S.B. 898

S.B. 899